

United States Bankruptcy Court
MD

In re **Felisa Hiteshew**

Debtor(s)

Case No. **17-21422-RAG**Chapter **13**

CHAPTER 13 PLAN

☐ Original Plan☒ Amended Plan☐ Modified Plan

The Debtor proposes the following Chapter 13 plan and makes the following declarations:

1. The future earnings of the Debtor are submitted to the supervision and control of the Trustee, and Debtor will pay as follows (select only one):
 - a. \$_____ per month for a term of _____ months. OR
 - b. **\$250.00** per month for **18** month(s),
\$2,618.00 per month for **42** month(s),
\$_____ per month for _____ month(s), for a total term of **60** months. OR
 - c. \$_____ per month prior to confirmation of this plan, and \$_____ per month after confirmation of this plan, for a total term of _____ month(s),
2. From the payments received, the Trustee will make the disbursements in the order described below:
 - a. Allowed unsecured claims for domestic support obligations and trustee commissions.
 - b. Administrative claims under 11 U.S.C. § 507(a)(2), including attorney's fee balance of **\$3,900.00** which shall be paid through this plan pursuant to Paragraph 4B of Appendix F to the Local Bankruptcy Rules (unless allowed for a different amount by an order of Court).
 - c. Claims payable under 11 U.S.C. § 1326(b)(3). Specify the monthly payment: \$ **0.00**.
 - d. Other priority claims defined by 11 U.S.C. § 507(a)(3) - (10). The Debtor anticipates the following claims:

Claimant**Internal Revenue Service**Amount of Claim**5,372.37**

- e. Concurrent with payments on non-administrative priority claims, the Trustee will pay secured creditors as follows:
 - i. Until the plan is confirmed, adequate protection payments and/or personal property lease payments on the following claims will be paid directly by the Debtor; and, after confirmation of the plan, the claims will be treated as specified in 2.e.ii or 2.e.iii, below (designate the amount of the monthly payment to be made by the Debtor prior to confirmation, and provide the redacted account number (last 4 digits only), if any, used by the claimant to identify the claim):

Claimant**-NONE-**Redacted Acct. No.Monthly Payment

- ii. Pre-petition arrears on the following claims will be paid through equal monthly amounts under the plan while the Debtor maintains post-petition payments directly (designate the amount of anticipated arrears, and the amount of monthly payment for arrears to be made under the plan):

Claimant**Bank of America, N.A.****Ditech Financial, LLC**Anticipated Arrears**29,378.18****8,865.57**Monthly PaymentNo. of Mos.

- iii. The following secured claims will be paid in full, as allowed, at the designated interest rates through equal monthly amounts under the plan:

<u>Claimant</u>	<u>Amount</u>	<u>% Rate</u>	<u>Monthly Payment</u>	<u>No. of Mos.</u>
-NONE-				

- iv. The following secured claims will be satisfied through surrender of the collateral securing the claims (describe the collateral); any allowed claims for deficiencies will be paid pro rata with general unsecured creditors; upon confirmation of the plan, the automatic stay is lifted, if not modified earlier, as to the collateral of the listed creditors:

<u>Claimant</u>	<u>Amount of Claim</u>	<u>Description of Collateral</u>
-NONE-		

- v. The following secured claims are not affected by this plan and will be paid outside of the plan directly by the Debtor:

<u>Claimant</u>
-NONE-

- vi. If any secured claim not described in the previous paragraphs is filed and not disallowed, that claim shall be paid or otherwise dealt with outside the plan directly by the Debtor, and it will not be discharged upon completion of the plan.
- vii. In the event that the trustee is holding funds in excess of those needed to make the payments specified in the Plan for any month, the trustee may pay secured claims listed in paragraphs 2.e.ii and 2.e.iii in amounts larger than those specified in such paragraphs.

- f. After payment of priority and secured claims, the balance of funds will be paid as follows:

Class One (1): All claims identified as an educational benefit overpayment or loan, scholarship or stipend or any other educational loan or generally referred to and treated as Student Loan Claims, including but not limited to Court Claim #2 of the US Dept. of Education, any and all servicers, agents, successors, assigns and subsidiaries, shall be paid outside the plan- as long term unsecured debt.

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Amount of Claim</u>
U.S. Department of Education c/o Nelnet	Student Loans	40,836.32

Class Two (2): All other allowed, general, unsecured claims shall be paid in full (100%).

3. The amount of each claim to be paid under the plan will be established by the creditor's proof of claim or superseding Court order. The Debtor anticipates filing the following motion(s) to value a claim or avoid a lien. (Indicate the asserted value of the secured claim for any motion to value collateral.):

<u>Claimant</u>	<u>Amount of Claim</u>	<u>Description of Property</u>
-NONE-		

4. Payments made by the Chapter 13 trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears, so that upon completion of all payments due under the Plan, the loan will be deemed current through the date of the filing of this case. For the purposes of the imposition of default interest and post-petition charges, the loan shall be deemed current as of the filing of this case.

5. Secured Creditors who are holding claims subject to cramdown will retain their liens until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or discharge under § 1328; and if the case is dismissed or converted without completion of the plan, the lien shall also be retained by such holders to the extent recognized under applicable nonbankruptcy law.
6. The following executory contracts and/or unexpired leases are assumed (or rejected, so indicate); any unexpired lease with respect to personal property that has not previously been assumed during the case, and is not assumed in the plan, is deemed rejected and the stay of §§ 362 and/or 1301 is automatically terminated:

<u>Other Party</u>	<u>Description of Contract or Lease</u>	<u>Assumed or Rejected</u>
Emerge Inc	Residential lease of 5904 Old Frederick Road, May 2016-May 2018 Debtor is Lessor.	Assumed

7. Title to the Debtor's property shall revert in the Debtor when the Debtor is granted a discharge pursuant to 11 U.S.C. § 1328, or upon dismissal of the case, or upon closing of the case.
8. Non-Standard Provisions:

Date **April 18, 2017**

Signature **/s/ Felisa Hiteshew**
Felisa Hiteshew
Debtor

Attorney **/s/ Douglas R. Gorius**
Douglas R. Gorius #25387

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MD**

In re: **Felisa Hiteshew**

Debtor(s)

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:
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:Case No. **17-21422-RAG**
Chapter 13

CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN

Select Section 1, A, B, or C, and complete Sections 2 and 3 if applicable, even if Section 1(A) is selected.

1. (Select A, B, or C):

☐ A. This is an original plan, filed concurrently with the Petition, which will be mailed by the Clerk to all creditors on the Matrix. *[THIS OPTION MAY ONLY BE USED WHEN THE PLAN IS FILED WITH THE PETITION]*

☐ B. AMENDED PLANS ONLY INCREASING PAYMENTS: The Amended Chapter 13 Plan ☐ filed herewith / ☐ filed on _____, makes no changes from the last previously-filed plan other than to increase the amount payable under the plan. In such event, no service is required.

☒ C. ALL OTHER PLANS: This is to certify that on **April 18, 2018**, I caused the Chapter 13 Plan ☒ filed herewith / ☐ filed on _____, to be mailed by first class mail, postage prepaid, to all addresses on the attached matrix or list. The parties on the matrix which were served by CM/ECF instead of by mail are as follows: Robert S. Thomas, II, Esq., Trustee ECF@ch13balt.com, Bank of America c/o Kyle J. Moulding, Esq., bankruptcynd@mwc-law.com and Ditech Financial, LLC c/o James Gordon Bell, Esq., james.bell@bww-law.com

AND2. *Check and complete this Section and Section 3 if liens are proposed to be valued or avoided through the Plan.*

☐ I caused the Chapter 13 Plan ☐ filed herewith / ☐ filed on _____, to be served pursuant to Bankruptcy Rule 7004 on the following creditor whose lien is proposed to be impacted by the Plan (and not by separate motion) under Plan Paragraph 5.1 or 5.3. State address served and method of service. See Bankruptcy Rule 7004(h) if the party served is an insured depository institution. Attach separate sheets or repeat this paragraph for each such creditor served

Name of Creditor_____
Name served_____
Capacity (Resident Agent, Officer, etc.)_____
Address_____
City, State, ZIP

Method of Service: _____

Date Served: _____

AND Select A or B:

A. ☐ A proof of claim has been filed with respect to the lien or claim at issue prior to service of the Plan. I also mailed a copy of the Plan and supporting documents under Section 3 below to the claimant at the name and address where notices should be sent as shown on the proof of claim.

B. ☐ No proof of claim has been filed for the lien or claim at issue.

3. ☐ Along with each copy of the Plan served under Section 2, I included copies of documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 with respect to that creditor (for example, documents establishing the value of the property and the amount of any prior liens and the lien at issue), which I have also filed with the Court as a supplement to the Plan. ***This supplemental material need not be served with the plan on all creditors, only on affected secured creditors.***

☐ This is an amended Plan and the documentation supporting Debtor's entitlement to the relief sought in Plan Paragraph 5.1 or 5.3 has been previously served and filed as ECF docket entry ____.

I hereby certify that the foregoing is true and correct.

Dated: April 18, 2018

/s/ Douglas R. Gorius

Debtor, Counsel for Debtor, or other Person
effecting service